Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Thursday, 19th January 1978 / 29th Pousha 1899 [No. 36

GOVERNMENT OF KERALA

Public Works (D) Department

CANCELLATION NOTIFICATION

No. 63300/D1/77/PW. *Dated, Trivandrum, 13th January 1978.*

The notification under section 3 (1) of the Kerala Land Acquisition Act approved by the Government in reference No. 42552/D1/77/PW dated 1-9-1977 and published at pages 1 and 2 of the Kerala Extraordinary Gazette No. 516 dated 6-9-1977 in respect of the lands specified below to wit for the formation of a road in Trichur-Vaniampara reach of NH 47 in the Village of Pananchery in the Taluk of Trichur is hereby cancelled.

കേരള ഗവൺമെൻറിൻെറ 1-9-1977–ലെ 42552/D1/77/PW നമ്പരായി 516–ാം നമ്പർ അസാധാരണ ഗസററ് 1 മുതൽ 2 വരെ പേജുകളിൽ കേരള സ്ഥലമെടുപ്പ് ആക്ട് 3 (1) വകുപ്പുപ്രകാരം പാണഞ്ചേരി വില്ലേജിൽ തൃശ്ശൂർ താലൂക്കിൽ നാഷണൽ ഹൈവെയുടെ തൃശ്ശൂർ വാണിയംപാറ റീച്ചിൽ ഒരു റോഡു പണിയുന്നതിനുവേണ്ടി താഴെ പട്ടികയിൽ വിവരിക്കുന്ന ഭൂമിയെ സംബന്ധിച്ച് പരസ്യപ്പെടുത്തിയിരുന്ന പരസ്യം : ഇതിനാൽ റദ്ദാക്കിയിരിക്കുന്നു.

33/191/MG

SCHEDULE

District—Trichur.

Taluk—Trichur. *Village*—Pananchery.

Sl. No.	*Sy. No.*	*Description*	*Extent in hectares*
1	690/1 Part	Wet	0.2023
2	691/2 Part	do.	0.0081
3	693/2 Part	do.	0.0324
		Total	0.2428

By order of the Governor,

N. R. AUGUSTINE,

Joint Secretary to Government.

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1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXIII] Trivandrum, Thursday, 19th January 1978 / 29th Pousha 1899 [No. 37

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1324/LA4/78. *Dated, Trivandrum, 19th January 1978.*

The Kerala Agricultural University (Amendment) Bill, 1978 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS,
TRIVANDRUM, 1978.

Fifth Kerala Legislative Assembly
Bill No. 38.

THE KERALA AGRICULTURAL UNIVERSITY (AMENDMENT) BILL, 1978

A
BILL

further to amend the Kerala Agricultural University Act 1971.

Preamble.—WHEREAS it is expedient further to amend the Kerala Agricultural University Act, 1971, for the purpose hereinafter appearing;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Agricultural University (Amendment) Act, 1978.

2. *Amendment of section* 12.—In section 12 of the Kerala Agricultural University Act, 1971 (33 of 1971), in clause (g) of sub-section (2), after the words "to prescribe", the words "with the previous concurrence of the Government" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Clause (g) of sub-section (2) of section 12 of the Kerala Agricultural University Act, 1971, empowers the General Council of the University to prescribe the terms and conditions of service of the employees of the University. According to the corresponding provisions in the Kerala University Act, 1974 and the Calicut University Act, 1975, the Senate of the Kerala University and the Senate of the Calicut University have power to prescribe the terms and conditions of service of the employees only with the previous concurrence of the Government. It is considered that a similar restriction should be imposed on the exercise of the power of the General Gouncil of the Kerala Agricultural University to prescribe the terms and conditions of service of the employees of the University.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. SANKARANARAYANAN

2/203/MC.

Government of Kerala
1978

Reg. No. KL/TV/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIII] Trivandrum, Thursday, 19th January 1978 / 29th Pousha 1899 [No. 38

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1396/LA4A/78. *Dated, Trivandrum, 19th January 1978.*

The Kerala Panchayats (Amendment) Bill, 1978 together with the Statement of Objects and Reasons, and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1978.

23/200/MC.

Fiftb Kerala Legislative Assembly

Bill No. 39.

THE KERALA PANCHAYATS (AMENDMENT) BILL, 1978

A

BILL

further to amend the Kerala Panchayats Act, 1960.

Preamble.—WHEREAS it is expedient futher to amend the Kerala Panchayats Act, 1960, for the purpose hereinafter appearing;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Panchayats (Amendment) Act, 1978.

(2) It shall be deemed to have come into force on the 31st day of August 1977.

2. *Amendment of section 10.*—In section 10 of the Kerala Panchayats Act, 1960 (32 of 1960) (hereinafter referred to as the principal Act),—

(a) in sub-section (1),—

(i) in clause (a), for the words "as many wards as there are non-reserved seats", the words "such number of wards as is equal to the total number of members of the panchayat" shall be substituted;

(ii) for clause (b), the following clause shall be substituted, namely:—

"(b) determine the ward for the purposes of sub-section (1) of section 7.";

(b) in sub-section (2), the words "Except in the case of a ward in which there is a reserved seat" shall be omitted;

(c) sub-sections (3), (5) and (6) shall be omitted;

(d) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) All the electors of a ward shall be entitled to vote at an election in that ward.";

(e) in sub-section (8), in the opening paragraph, the words "when the number of members to be returned by a ward is altered or" shall be omitted.

3. *Repeal and saving.*—(1) The Kerala Panchayats (Amendment) Ordinance, 1977 (15 of 1977), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

According to sub-section (1) of section 7 of the Kerala Panchayats Act, 1960, one seat in every panchayat shall be reserved for Scheduled Castes and Scheduled Tribes. Sub-section (1) of section 8 similarly provides that one seat shall be reserved for women in every panchayat in such ward as has the largest number of women electors among the wards in the panchayat. According to sub-section (3) of section 10, the ward in which a seat is reserved for Scheduled Castes and Scheduled Tribes under section 7 or for women under section 8 shall, in addition to a member for the non-reserved seat, elect a member for the reserved seat.

2. In the Assembly and Parliament elections and for the elections to the Municipal Councils and Municipal Corporations, reservation of seats for Scheduled Castes and Scheduled Tribes is made in single-member wards and the system of double-member wards is now not in vogue in those elections. It was proposed to discontinue the system of double-member wards in panchayats also and to amend the Kerala Panchayats Act for the purpose.

3. As the Legislative Assembly was not in session and as the proposed amendment could not wait till the next session of the Legislative Assembly, the Kerala Panchayats (Amendment) Ordinance, 1977 (15 of 1977) was promulgated by the Governor on the 31st August, 1977 for the purpose. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

K. AVUKADERKUTTY NAHA

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1400/LA4/78. *Dated, Trivandrum, 19th January 1978.*

The Irrigation Laws (Amendment) Bill, 1978 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

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TRIVANDRUM, 1978.

Fifth Kerala Legislative Assembly
Bill No. 40

THE IRRIGATION LAWS (AMENDMENT) BILL, 1978

A

BILL

further to amend the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 and the Travancore-Cochin Irrigation Act, 1956.

Preamble.—WHEREAS it is expedient further to amend the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 and the Travancore-Cochin Irrigation Act, 1956, for the purposes hereinafter appearing;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Irrigation Laws (Amendment) Act, 1978.

(2) Clause (a) of section 3 shall be deemed to have come into force on the 1st day of July, 1974 and the remaining provisions of this Act shall be deemed to have come into force on the 17th day of October, 1977.

2. *Amendment of Madras Act VII of 1947.*—In the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947),—

(a) in section 2, after clause (c), the following clause shall be inserted, namely:—

"(cc) "lift irrigation work" means an irrigation work by which water for irrigation purposes is supplied with the aid of pumping sets or other mechanical devices;";

(b) after section 16, the following section shall be inserted, namely:-

"16A. *Entrustment of lift irrigation works to co-operative societies.*—(1) Notwithstanding anything contained in this Act, the State Government may entrust the maintenance of any lift irrigation work constructed by them to co-operative societies of farmers benefited by such work, subject to such terms and conditions as may be prescribed.

Explanation.—For the purposes of this section, "co-operative society" means a co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969).

(2) Where the maintenance of any lift irrigation work is entrusted to a co-operative society under sub-section (1), the State Government may authorise the collection by such society of the water cess levied under section 12 or section 15 in relation to such irrigation work, or any portion of such water cess, subject to such terms and conditions as may be prescribed.".

3. *Amendment of Travancore-Cochin Act, VII of 1956.*—In the Travancore-Cochin Irrigation Act, 1956 (VII of 1956),—

(a) after section 8, the following section shall be inserted, namely:—

"8A. *Construction of Minor Irrigation Works by Government.*—(1) Notwithstanding anything contained in sections 6, 7 and 8, the State Government may, if they consider it necessary in the public interest so to do, construct a minor irrigation work on any land belonging to them or vested in a local authority or acquired by them for the purpose, without following the procedure specified in the said sections:

Provided that no such work shall be constructed on any land vested in a local authority without the previous permission of that local authority.

(2) The provisions of this Act shall, so far as may be, apply in respect of a minor irrigation work constructed under sub-section (1) as if it were a minor irrigation work carried out under section 8.";

(b) after section 16, the following section shall be inserted, namely:—

"16A. *Entrustment of lift irrigation works to co-operative societies.*—(1) Notwithstanding anything contained in this Act, the State Government may entrust the maintenance of any lift irrigation work constructed by them to co-operative societies of farmers benefited by such work, subject to such terms and conditions as may be prescribed.

Explanation.—For the purposes of this section, "co-operative society" means a co-operative society registered or deemed to be registered under the Kerala Co-operative Societies Act, 1969 (21 of 1969)."

(2) Where the maintenance of any lift irrigation work is entrusted to a co-operative society under sub-section (1), the State Government may authorise the collection by such society of the cess levied under section 15 on lands benefited by such irrigation work, or any portion of such cess, subject to such terms and conditions as may be prescribed.".

4. *Repeal and saving.*—(1) The Irrigation Laws (Amendment) Ordinance, 1977 (19 of 1977), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 or the Travancore-Cochin Irrigation Act, 1956, as amended by the said Ordinance shall be deemed to have been done or taken under the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 or, as the case may be the Travancore-Cochin Irrigation Act, 1956, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Under the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947), which is in force in the Malabar area of the State and the Travancore-Cochin Irrigation Act, 1956 (VII of 1956), which is in force in the Travancore-Cochin area of the State, lift irrigation works are to be maintained by the Government. It has been found to be costly for the Government to maintain those works as the Government have to engage persons on turn duty paying regular monthly wages to operate the pump sets. The cess collected in respect of the lift irrigation works is not sufficient to maintain those works. It was felt that if the maintenance of lift irrigation works was entrusted to co-operative societies of farmers benefited by such work, they could make suitable local arrangements for the purpose and the money set apart by Government for the maintenance of such works could be used for providing new lift irrigation works. It was, therefore, proposed to make povisions in the said Acts for entrusting the maintenance of lift irrigation works to co-operative societies of farmers benefited by such works and also for authorising such societies to collect the whole or a portion of the water cess leviable from the lands benefited by such works.

2. Considerable delay was being experienced by following the procedure of inviting and hearing objections, etc., laid down in sections 6, 7 and 8 of the Travancore-Cochin Irrigation Act, 1956, before minor irrigation works are constructed at the cost of the Government. Consequently, construction of new minor irrigation works in the Travancore-Cochin area of the State was considerably hampered. It was, therefore, considered necessary to amend the Travancore-Cochin Irrigation Act to enable the Government to construct minor irrigation works without following the procedure laid down in sections 6, 7 and 8 of the Act. The Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947, does not contain any such provision and, therefore, the problem does not exist in the Malabar area.

3. A Bill to give effect to the above proposals was published in the Gazette as the Irrigation Laws (Amendment) Bill, 1977, with the intention of getting it passed during the last session of the Legislative Assembly. But the Bill could not be introduced and passed during that session for want of time. It was considered that the amendments proposed in the Bill should be given effect to immediately without waiting for the next session of the Legislative Assembly. Accordingly, the Irrigation Laws (Amendment) Ordinance, 1977, to give effect to the amendments was promulgated on the 14th October, 1977 and published in the Kerala Gazette Extraordinary No. 605 dated the 17th October, 1977 as Ordinance No. 19 of 1977. Since certain minor irrigation works had been carried out in the Intensive Paddy Development Units after the 1st day of July, 1974, without following the procedure laid down in sections 6, 7 and 8 of the Travancore-Gochin Irrigation Act, 1956, it was also necessary to give retrospective effect to the amendment referred to in para 2. Provision has, therefore, been made in the Ordinance for giving retrospective effect to the said amendment from the 1st day of July, 1974. The Bill seeks to replace the Ordinance by an Act of the Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-section (1) of section 16A proposed to be inserted in the Malabar Irrigation Works (Construction and Levy of Cess) Act, 1947 (Madras Act VII of 1947), by sub-clause (b) of clause 2 of the Bill empowers the Government to entrust the maintenance of any lift irrigation work constructed by them to co-operative societies of farmers benefited by such work, subject to such terms and conditions as may be prescribed by rules. Sub-section (2) of the said section empowers the Government to authorise the collection by such society of the water cess levied under section 12 or section 15 of the Act in relation to such irrigation work, or any portion of such water cess, subject to such terms and conditions as may be prescribed by rules. Similar provisions are proposed to be inserted in the Travancore-Cochin Irrigation Act, 1956 (VII of 1956), as section 16A of that Act by sub-clause (b) of clause 3 of the Bill.

2. The matters in respect of which rules may be made are of an administrative nature. The delegation of legislative power is, therefore, of a normal character.

K. K. BALAKRISHNAN

KERALA GAZETTE

EXTRAORDINARY

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Vol. XXIII] Trivandrum, Thursday, 19th January 1978 / 29th Pousha 1899 [No. 40

GOVERNMENT OF KERALA

Public Works & Electricity (Electricity A) Department

NOTIFICATION

No. G.O. Ms. 9/78/PW&E. *Dated, Trivandrum, 19th January 1978.*

S. R. O. No. 66/78.—Whereas Sri V. Subramonian, Accounts Member, Kerala State Electricity Board has requested for relief from the service of the Kerala State Electricity Board to take up appointment as Director (Finance), National Hydro Electric Power Corporation Limited, New Delhi.

And whereas the Government have decided to relieve him subject to concurrence by the Comptroller and Auditor General of India;

Now, therefore, in exercise of the powers conferred by section 5 of the Electricity (Supply) Act, 1948 (Central Act 54 of 1948), the Government of Kerala hereby appoint Sri K.G. Nathan, Financial Adviser and Chief Accounts Officer, Kerala State Electricity Board to hold full additional charge of the Office of the Accounts Member of the Kerala State Electricity Board in addition to his own duties as Financial Adviser and Chief Accounts Officer, Kerala State Electricity Board, till a substitute is posted in the place of the Accounts Member of the said Board, or till the expiry of the term of the present members of the Board, whichever is earlier.

By order of the Governor,

T. V. SWAMINATHAN,
Special Secretary to Government.

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33/209 M.C.

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SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 1416/LA4A/78. *Dated, Trivandrum, 19th January 1978*

The Arthapalisa, Jenmibhogam and Karathilchilavu (Abolition) Bill, 1978 together with the Statement of Objects and Reasons, the Financial Memorandum and the Memorandum regarding Delegated Legislation is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. R. Prasannan,
Secretary,
Legislative Assembly

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TRIVANDRUM, 1978.

83/212/MC.

Fifth Kerala Legislative Assembly
Bill No. 41

THE ARTHAPALISA, JENMIBHOGAM AND KARATHILCHILAVU (ABOLITION) BILL, 1978

A

BILL

to abolish Arthapalisa, Jenmibhogam and Karathilchilavu on payment of compensation.

Preamble.—WHEREAS it is expedient to abolish the recurring and periodical payment of Arthapalisa, Jenmibhogam and Karathilchilavu to jenmies, on payment of compensation and for matters connected therewith;

BE it enacted in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Arthapalisa, Jenmibhogam and Karathilchilavu (Abolition) Act, 1978.

(2) It extends to that portion of the territory of the State of Kerala which before the 1st day of July, 1949, was comprised in the State of Travancore.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the date on which this Act comes into force;

(b) "Arthapalisa" means an allowance payable by the Government either in paddy or in money at the option of the jenmi, which, before the date of the Proclamation, was payable only in paddy, but does not include any political or family pension;

(c) "jenmi" means a person who is entitled to receive Arthapalisa, Jenmibhogam or Karathilchilavu, from the Government;

(d) "Jenmibhogam" means a portion of the paddy assessed as tax on some of the paddy fields classified in the Revenue Settlement of 1061 M.E. as pandarapattom and paid to the Jenmies in recognition of some claims of those jenmies on those paddy fields prior to the said settlement, which, on and after the date of the Proclamation, is payable either in paddy or in money at the option of the jenmies, but does not include any political or family pension;

(e) "Karathilchilavu" means a pension or allowance payable by the Government from the Government treasury in lieu of the practice whereby the holders of certain lands who were entitled to pensions or allowances from the Government, were allowed to set off such dues from the land tax payable by them for the lands in their possession;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "Proclamation" means the Proclamation issued by His Highness the Maharaja of Travancore under date the 27th August, 1917;

(h) "Tahsildar" means the Tahsildar of the taluk in which the Government treasury from which the Arthapalisa or Jenmibhogam (where it is payable in cash) or the Karathilchilavu, as the case may be, is payable to the Jenmi is situate and includes any other officer empowered by the Government to exercise the powers of a Tahsildar under this Act.

3. *Abolition of Arthapalisa, Jenmibhogam and Karathilchilavu.*—(1) With effect on and from the appointed day, notwithstanding anything contained in any law for the time being in force, or in any contract, or in any judgment, decree or order of court, no jenmi shall have the right to receive payment of, and the Government shall have no liability to pay to the jenmi, any Arthapalisa, Jenmibhogam or Karathilchilavu, and the right to receive payment of, and the liability to pay, Arthapalisa, Jenmibhogam and Karathilchilavu shall stand extinguished.

(2) Every Jenmi whose right to receive Arthapalisa, Jenmibhogam or Karathilchilavu has been extinguished under sub-section (1) shall be entitled to receive, and be paid by the Government, compensation as hereinafter provided.

4. *Amount of compensation to be paid.*—(1) The compensation referred to in sub-section (2) of section 3 shall be an amount equal to twelve times the money value of the Arthapalisa or Jenmibhogam or the amount of Karathilchilavu, as the case may be, at the commutation rate specified in sub-section (2) of this section.

(2) Notwithstanding anything contained in any law or in any judgment, decree or order of court, the commutation rate of paddy in respect of Arthapalisa, Jenmibhogam and Karathilchilavu shall be,—

(a) in the case of jenmies who had elected to receive the payment of Arthapalisa, Jenmibhogam or Karathilchilavu in cash, in pursuance of section 2 of the Proclamation, at the rate of four rupees per standard para; and

(b) in the case of jenmies who had not so elected, at the average price of paddy for a period of ten years immediately preceding the appointed day.

Explanation.—For the purposes of this sub-section, "standard para" means a measure equivalent to 13.11 litres.

(3) The amount of compensation payable to a jenmi under this Act shall be deemed to have accrued due from the appointed day and interest

thereon shall be payable at the rate of four per cent per annum from that day till the date of payment of the compensation, in case the amount of compensation is paid in cash, or till the date of redemption of the bonds, if compensation is paid in Government bonds.

5. *Compensation to be paid in cash or bonds.*—The compensation payable under this Act may be paid either in cash or in Government bonds carrying interest at the rate of four per cent per annum and redeemable after the expiry of six years from the date of issue of the bonds, or partly in cash and partly in such bonds, as may be prescribed.

6. *Proceedings relating to payment of compensation to lie before Tahsildar.*—All proceedings relating to the assessment of compensation payable to a jenmi under this Act and the payment of the same to the persons entitled thereto shall lie before the Tahsildar.

7. *Compensation rolls to be prepared by the Tahsildar.*—With a view to the payment of compensation to the jenmies under this Act, the Tahsildar shall, in the manner prescribed, prepare a draft compensation roll of every jenmi showing,—

(a) the Arthapalisa, Jenmibhogam or Karathilchilavu, as the case may be, payable annually and the names of the persons entitled to receive the same;

(b) the amount of compensation payable under this Act; and

(c) such other particulars as may be prescribed.

8. *Publication of draft compensation roll.*—(1) After the draft compensation roll is prepared under section 7 the Tahsildar shall—

(a) publish a notice in the Gazette and in such other manner as may be prescribed, to the effect that the draft compensation roll has been prepared and is open to inspection by the persons interested at the time and place specified in the notice; and

(b) serve or cause to be served a copy of such notice on every person referred to in clause (a) of section 7 along with a copy of the draft compensation roll.

(2) The notice under sub-section (1) shall also call upon all persons interested, including members of the family of the jenmi, claiming any portion of such compensation, whether by way of a share or by way of maintenance or otherwise, to appear before the Tahsildar and file claim and objections within such period as may be prescribed.

(3) If any claim or objection is filed within the period referred to in sub-section (2), it shall be registered by the Tahsildar who shall fix a date for hearing the same and shall give intimation thereof to the jenmi concerned and to any person interested who may have appeared before him in pursuance of the notice.

(4) On the date fixed under sub-section (3) or any date to which the proceedings may be adjourned, the Tahsildar shall inquire into and decide the claims and objections.

(5) For the purposes of sub-section (4), the Tahsildar shall have all the powers of a civil court, in so far as they may be applicable and, subject to such modifications as may be prescribed, follow the procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908), for the hearing and disposal of suits relating to immovable property.

9. *Order of Tahsildar to be deemed to be decree of civil court.*—(1) The order of the Tahsildar in deciding a claim or objection under section 8 or apportioning the compensation among the persons entitled thereto shall be deemed to be a decree of a civil court and shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision.

(2) Notwithstanding anything contained in any law, any person aggrieved by an order of the Tahsildar referred to in sub-section (1) may, within thirty days of the date of communication to him of such order, appeal to the District Court and the order of the District Court on the appeal shall be final:

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the records of the case and pass such orders with respect thereto as it thinks fit.

10. *Corrections to the final compensation rolls.*—Except as provided by or under this Act, no correction shall be made in the compensation roll after it has become final, provided that the Tahsildar may, at any time before the payment of the compensation, either of his own motion or on application filed by a person interested, correct any clerical or arithmetical mistake or any error arising therein from any accidental slip or omission.

11. *Payment of compensation.*—(1) The compensation payable under this Act shall be paid to the persons whose names have been entered in the compensation roll as being entitled thereto.

(2) Where a person entitled to the compensation dies before it is paid to him, it shall be paid to his legal representatives.

(3) Where the person entitled to receive the compensation is a trust or endowment or a minor or a person suffering from any legal disability or a limited owner, the compensation may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of such person with such authority or bank as may be prescribed.

(4) Where before any court or authority any suit or proceeding is pending, which directly or indirectly affects or is likely to affect the right of any person to receive the whole or any part of the compensation payable under this Act, such court or authority may require the Tahsildar to place at its disposal the amount so payable and thereupon such amount shall be disposed of in accordance with the orders of such court or authority.

12. *Payment of compensation to be full discharge of the liability to pay Arthapalalisa, Jenmibhogam or Karathilchilavu.*—The payment of compensation to the Jenmies or other persons entitled thereto in the manner prescribed by or under this Act shall be a full discharge of the liability of the Government for the payment of Arthapalisa, Jenmibhogam or Karathilchilavu, as the case may be, and no further claims for any such payment or for payment of compensation shall lie.

13. *Payment of arrears.*—Notwithstanding anything contained in this Act, any arrear of Arthapalisa, Jenmibhogam or Karathilchilavu due to a jenmi immediately before the appointed day and remaining unpaid after that day shall be paid to the jenmi in the same manner as before the commencement of this Act.

14. *No action to lie against Government or any officer or person authorised under the Act.*—(1) No suit, prosecution or other legal proceeding shall lie against the Government for any act done or purported to be done under this Act.

(2) No suit, prosecution or other legal proceeding shall be instituted against any officer in respect of anything in good faith done or intended to be done under this Act or the rules made thereunder.

15. *Rules.*—(1) The Government may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the proportion in which the compensation may be paid in cash and in bonds;

(b) the manner in which draft compensation roll has to be prepared;

(c) the time within which objections have to be preferred on the notice of draft compensation roll;

(d) the fee to be paid for an appeal under sub-section (2) of section 9;

(e) the authority or bank in which deposits may be made under sub-section (3) of section 11;

(f) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

16. *Repeal.*—The Proclamation, in so far as it relates to Arthapalisa and Jenmibhogam, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Government have been making annual payments called Arthapalisa, Jenmibhogam and Karathilchilavu to certain jenmies in the Travancore area of the State. These payments are now being made in the form of allowances by the issue of pension payment orders. Arthapalisa, Jenmibhogam and Karathilchilavu are dues sanctioned to the jenmies by the erstwhile Travancore Government during the period prior to the Revenue Settlement of 1061 M.E. It is considered necessary to abolish these annual and recurring pay- ments on payment of compensation to the holders of such rights.

2. The Bill is intended to achieve the above object.

FINANCIAL MEMORANDUM

Clause 3(2) of the Bill seeks to provide that every jenmi whose right to receive Arthapalisa, Jenmibhogam or Karathilchilavu has been extinguished shall be entitled to receive compensation from the Government. Under sub-clause (1) of clause 4, the compensation shall be an amount equal to twelve times the money value of the Arthapalisa or Jenmibhogam or the amount of Karathilchilavu, as the the case may be, at the commutation rate specified in sub-clause (2) of that clause.

2. According to sub-clause (2) of clause 4, in the case of jenmies who have elected to receive the payment of Arthapalisa, Jenmibhogam or Karathilchilavu in cash, compensation shall be payable at the rate of 4 rupees per standard para and in the case of jenmies who have not so elected compensation shall be payable at the rate of Rs. 3.95 per standard para which is the average price of paddy for a period of ten years immediately preceding the appointed day. The quantity of paddy due to jenmies who have so elected is 5802 standard paras and 5 nazhies and the quantity due to jenmies who have not so elected is 7269 standard paras. The amount of compensation payable will therefore be Rs. 2,78,523.24 (money value of 5802 standard paras and 5 nazhies of paddy at the rate of Rs. 4 per standard para multiplied by 12) + Rs. 3,44,547.48 (money value of 7269 standard paras of paddy at the rate of Rs. 3.95 per standard para, multiplied by 12), that is Rs. 6,24,000 approximately.

3. Under clause 4(3) of the Bill the amount of compensation payable shall bear interest at 4 per cent per annum from the appointed day till the date of payment of compensation in case the compensation is paid in cash, or till the date of redemption of the bonds if compensation is paid in Government bonds. The expenditure to be incurred for the payment of interest cannot be estimated now.

4. Clause 8 seeks to provide for the publication of the notice referred to in that clause in the Gazette and in such other manner as may be prescribed and for the service of copies of such notice on interested persons. The expenditure to be incurred for the above purposes, which will be negligible, cannot be estimated now.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (3) of clause 1 seeks to empower the Government to appoint, by notification in the Gazette, the date on which the Act shall come into force. Clause 15 of the Bill seeks to empower the Government to make rules to carry out the purposes of the Act. Such rules may provide *inter alia* for the proportion in which the compensation may be paid in cash and in bonds, the manner in which draft compensation roll has to be prepared, the time within which objections have to be preferred on the notice of draft compensation roll and any other matter which is to be or may be prescribed.

2. The matters in respect of which notification may be issued or rules may be made are matters of procedure or administrative detail. Further, the rules, after they are made, are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, thus, of a normal character.

BABY JOHN.